

FILED

## UNITED STATES DISTRICT COURT

JUN 05 2019

for the  
Southern District of Texas

David J. Bradley, Clerk of Court

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)White 1999 Toyota Camry  
VIN# 4T1BG22K2XU610897

Case No. B-19-635-MJ

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

White 1999 Toyota Camry, VIN# 4T1BG22K2XU610897 located at the United States Brownsville Border Patrol Station, 940 FM511, Olmito, Texas 78575

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachments "A"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
8 USC 1324(a)(1)(A)(iii)	Transportation, Harboring, Shields from Detection and Financial Gain.

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Javier G. Sandoval BPAI-HSI/TFO

Printed name and title

Sworn to before me and signed in my presence.

Date:

June 5, 2019

City and state: Brownsville, Texas

Judge's signature

Ronald G. Morgan, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

IN THE MATTER OF THE SEARCH OF  
**White 1999 Toyota Camry**  
**VIN# 4T1BG22K2XU610897**

Case No. *B-19-635-MJ*

**AFFIDAVIT IN SUPPORT OF A SEARCH  
WARRANT**

I, Javier G. Sandoval, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of the examination of one white **1999 Toyota Camry, VIN 4T1BG22K2XU610897** (hereinafter referred to as "**Target Vehicle**"), which is currently stored in law enforcement possession at the Border Patrol Office located at 940 FM511, Olmito, Texas ( See Attachments A and B)

2. I am a Border Patrol Agent/ Homeland Security Investigations Task Force Officer (HSI/TFO) employed by the Department of Homeland Security (DHS), Rio Grande Valley Sector Intelligence Unit (RGV/SIU) in Harlingen, Texas and HSI/Harlingen Field Office. I have been employed as a Border Patrol Agent since February 1997. I have conducted multiple criminal investigations for multiple violations of federal and state laws including, and not limited to human smuggling, narcotics smuggling, and organized criminal activity.

3. As a Border Patrol Agent/ HSI/TFO, I have had extensive training in the area of immigration law and human smuggling operations. I have been involved in the interviewing of defendants and witnesses and other persons who have personal knowledge of transporting and concealing illegal immigrants, amassing, spending, converting, transporting, distribution, laundering and concealing of the proceeds of human trafficking and human smuggling. I have testified in judicial proceedings for violations of laws concerning smuggling of aliens.

4. Based upon my training, experience, and participation in alien smuggling investigations and investigations into the financial implications which result from violations of 18 United States Code (U.S.C), Section 1324, I know:

- a. That human smuggling is often a conspiratorial crime. It is further known that human smugglers use vehicles to illegally transport aliens.
- b. That vehicles used to smuggle aliens are known to have pocket trash, receipts, and other evidence of human smuggling.
- c. That human smugglers transporting aliens in vehicles often use mobile phones to communicate with scouts, stash house operators, and drivers.

- d. That human smugglers often keep ledgers, receipts, money wire transfers, and record keeping notebooks as well as multiple phones in their vehicles and stash houses.
- e. That human smugglers commonly utilize vehicles not registered in their names and leave physical evidence in the vehicle including their fingerprints.
- f. That human smugglers are known to maintain weapons in their vehicles and stash houses for intimidation as well to prevent other smugglers from stealing aliens.
- g. That human smugglers commonly use electronic devices such as cell phones, pagers, ipads, and computers to facilitate alien smuggling.
- h. That human smugglers commonly use compasses and other navigational devices to facilitate their human smuggling.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

#### **PROBABLE CAUSE**

1. On June 27, 2018, Homeland Security Investigations (HSI) Harlingen and Corpus Christi Agents received information from U.S. Border Patrol Kingsville regarding undocumented aliens being apprehended in their area of responsibility (AOR) and being smuggled on trains to circumvent the Sarita, Texas U.S. Border Patrol Checkpoint. This Alien Smuggling Organization (ASO) is suspected of moving their illicit cargo by loading the undocumented aliens at rail yards south of the checkpoint. HSI-Harlingen and Corpus Christi began an investigation into the ASO and its associate(s) responsible for the illicit cargo. Through interviews conducted with the UDAs, Benjamin LOPEZ-Reyes has been identified as the facilitator and/or caretaker operating this ASO.

2. On November 19, 2018, two subjects were encountered that were determined to be undocumented aliens (UDAs) trying to circumvent the Sarita, Texas Border Patrol checkpoint on onboard a Union Pacific Railroad northbound train by Kingsville Border Patrol Agents (BPAs). The UDAs were encountered hiding in the engine's ventilation compartment. The UDAs were taken into custody and interviewed as to their alien smuggling attempt by Kingsville Border Agents-Intelligence (BPAIs). The UDAs stated that they had entered illegally and had been staying at an apartment in Donna, Texas for approximately two weeks. The UDAs stated that on November 16, 2018, a male subject subsequently identified as **Benjamin LOPEZ-Reyes**, arrived at the apartment and picked them up and took them to another apartment located in Harlingen, Texas where they stayed a few days. The UDAs stated that on November 18, 2018, **LOPEZ-Reyes** took them to the Union Pacific Railroad Yard located in Olmito, Texas at approximately 2 A.M. However, they were taken back to the apartment in Harlingen, Texas due to **LOPEZ-Reyes** observing other individuals with flashlights in the area and believed it might have been law enforcement. On November 19, 2018, the UDAs stated that **LOPEZ-Reyes** once again took them

to them to the train yard in the early morning hours and this time placed them into the ventilation compartment of the train's engine. **Benjamin LOPEZ-Reyes** was identified by the UDAs through a photo lineup provided to them by BPAIs. The UDAs also provided a phone number they stated they used to contact **LOPEZ-Reyes**.

3. On December 23, 2018, a male subject was encountered by Brownsville Border Agents (BPAs) at the Union Pacific Railroad Yard located in Olmito, Texas after an electronic alert system at this location was activated at approximately 1:28 A.M. BPAs responding to this location encountered a subject that was determined to be a UDA attempting to hide on a northbound Union Pacific Railroad train. The UDA stated that he entered illegally and had been staying at an unknown residence in the McAllen/Hidalgo, Texas area for approximately five days. The UDA stated that on December 23, 2018, he was picked up sometime after 12 A.M. by a subject he subsequently identified as **LOPEZ-Reyes** and taken to bar known as "**El Rinconcito**" which he stated was near the train yard in Olmito, Texas. The UDA stated that approximately twenty minutes later **LOPEZ-Reyes** walked him over to the train yard. The UDA stated that he was given a cellular phone by **LOPEZ-Reyes** and he was to call **LOPEZ-Reyes** once he was past the U.S. Border Patrol Checkpoint. **LOPEZ-Reyes** was positively identified by the UDA as his alien smuggler.

4. On April 3, 2019, three subjects were encountered that were determined to be undocumented aliens (UDAs) trying to circumvent the Sarita, Texas Border Patrol checkpoint onboard a Union Pacific Railroad northbound train by Kingsville Border Patrol Agents (BPAs). The UDAs were taken into custody and interviewed as to their alien smuggling attempt by Kingsville Border Agents-Intelligence (BPAIs). The UDAs stated that they had entered illegally. The UDAs were interviewed as to their alien smuggling attempt. However, only one UDA was forthcoming with information as to the identification of the alien smuggler that facilitated this smuggling attempt. The UDA positively identified **LOPEZ-Reyes** as the individual he made his smuggling arrangements with **LOPEZ-REYES** to be smuggled north into the interior of the United States. The UDA positively identified **LOPEZ-Reyes** through a photo lineup provided to them by BPAIs.

5. On May 21, 2019, four male subjects were encountered by Brownsville Border Patrol Agents (BPA's) at the Union Pacific Railroad Yard located in Olmito, Texas after an electronic alert system at this location was activated at approximately 4:00 A.M. BPAs responding to this location encountered four subjects that attempted to abscond. The responding BPAs were able to detain and apprehend all four subjects and determined that three of the subjects were UDAs and the fourth was a United States Citizen (USC). The UDAs and the USC were taken into custody and interviewed as to this alien smuggling attempt by Brownsville Border Agents-Intelligence (BPAIs). The UDAs stated that they had made arrangements with a human smuggler who they stated went by the name of **Rojo, First Name Unknown, Last Name Unknown** (hereinafter known as **FNU LNU**). The UDAs stated that this subject transported them from a stash house in the McAllen, Texas area to an apartment in the Harlingen, Texas area where they stayed with an unknown female for a few days. The UDAs stated that on May 21, 2019, they were picked up by **Rojo (FNU LNU)** at approximately 3:30 A.M. and transported to the Union Pacific Railroad Yard in a light-colored sedan and arrived at approximately 4:00 A.M. The UDAs stated that USC was

already at the apartment in Harlingen, Texas when **Rojo (FNU LNU)** arrived to pick them up. The UDAs stated that after arriving at the train yard they were guided through the brush by the USC to the locomotive they all absconded from when initially encountered.

6. The USC apprehended with three UDAs was also interviewed by SA Ruben Rendon and BPAI Gilbert Briones. The USC stated that he (USC) was hired by a person he knew as **Chichin, (FNU LNU)**. The USC stated that he was provided **Chichin's (FNU LNU)** telephone number by one of **Chichin's (FNU LNU)** associates that the USC identified as Irvin Garza. The USC stated that he was hired to help smuggle the UDAs and was going to be paid by **Chichin (FNU LNU)** to guide the UDAs through the brush and hide them in the engine compartment of the locomotive. The USC state that he was at the apartment when **Chichin (FNU LNU)** arrived to pick them all up to transport them to the train yard in Olmito, Texas. The USC stated they were transported to the train yard in Olmito, Texas in a light-colored sedan. The USC stated that he could identify **Chichin (FNU LNU)** and was shown a photo lineup provided by SA Rendon and BPAI Briones. The USC positively identified **Chichin (FNU LNU)** but did not know **Chichin's** real name. The USC stated that he had **Chichin's** phone number saved in his cell phone and provided that to number to SA Rendon and BPAI Briones. The phone number the USC provided was the same number that the UDAs had saved on a cell phone that was provided to them by **Rojo (FNU LNU)**. Through the photo lineups and the cell phone numbers saved on USC's and UDA phones, SA Rendon and BPAIs determined that **Rojo (FNU LNU)** and **Chichin (FNU LNU)** was the same person that had been previously identified as **Benjamin LOPEZ-Reyes** by BPAIs and previous UDA interviews.

7. On May 22, 2019, the USC contacted BPAI-HSI/TFO Sandoval stating that he (USC) wanted to cooperate and became a Source of Information (SOI). The SOI advised that the **Target Vehicle** used during the human smuggling event on May 21, 2019, had been hidden in the brush line on the property adjacent to the train yard. The SOI advised that he overheard this information while in the presence of one of **Chichin's (LOPEZ-Reyes's)** caretakers/transporters. The SOI advised that **Chichin (LOPEZ-Reyes)** was the facilitator of the human smuggling event and was sending two unknown subjects to retrieve the **Target Vehicle** that had been used the night before in transporting the UDAs. The SOI advised that the **Target Vehicle** was a white sedan and was hidden in the brush near the train yard.

8. On May 23, 2019, the owner of the property adjacent to the Union Pacific Railroad Yard contacted the Brownsville Border Patrol Station regarding a vehicle that he found hidden in the brush on his property. The vehicle hidden in the brush was a white sedan and matched the information that the SOI had relayed to BPAI-HSI/TFO Sandoval. The land owner advised responding BPA's that this vehicle did not belong to him. BPA's conducted record checks on a white **Toyota Camry, Texas License Plates [REDACTED]** Record checks determined that this **Target Vehicle** was a white 1999 Toyota Camry, VIN4T1BG22K2XU610897, registered to Hortencia Constante, 2905 Nueces Dr., Harlingen, Texas. The record checks also determined that the **Target Vehicle** had not been reported stolen. The **Target Vehicle** was then transported by a contracted tow truck company to the Brownsville Border Patrol Station located at 940 FM511, Olmito, Texas in the same condition that it was found.



9. Thus, it is alleged that this **Target Vehicle**, a 1999 Toyota Camry, Texas License Plates [REDACTED] was the **Target Vehicle** used on the night of May 21, 2019, which resulted in the apprehension of three UDAs and one USC encountered by BPA's at the Union Pacific Railroad Yard. The **Target Vehicle** was abandoned by this human smuggling group at a location adjacent to the Union Pacific Railroad Yard. Subsequently this **Target Vehicle** was seized by BPA's and towed to the United States Border Patrol Station located at 940 FM511, Olmito, Texas.

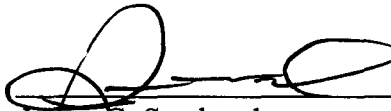
### MANNER OF EXECUTION

Because this warrant seeks only permission to examine a vehicle already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premise. Consequently, I submit there is reasonable cause for the court to authorize execution of this warrant at any time in the day or night.

### CONCLUSION

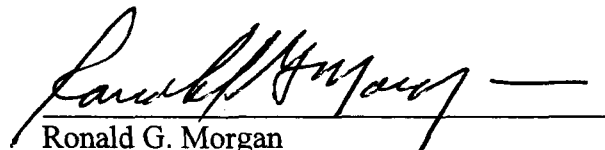
I Submit that this affidavit supports probable cause for a warrant to search the **Target Vehicle** and seize the items described in Attachment B.

Respectfully submitted,



Javier G. Sandoval  
Border Patrol Agent  
HSI Task Force Officer

Subscribed and sworn to before me on \_\_\_\_\_ June 5 2019

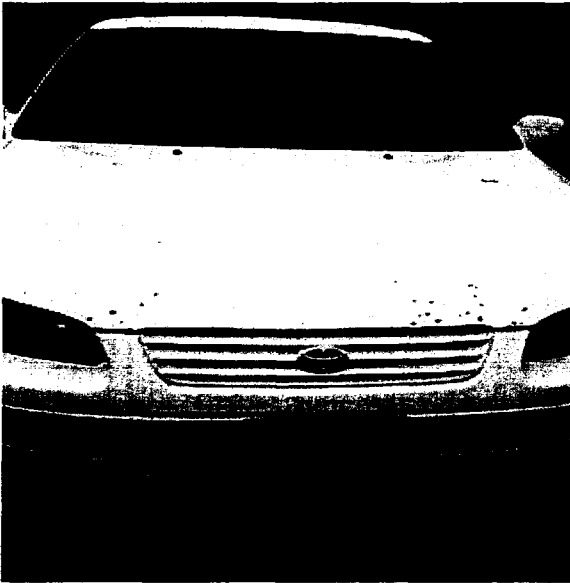


Ronald G. Morgan  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

The **Target Vehicle** to be searched is:

A white 1999 Toyota Camry Texas License Plates [REDACTED] is located at the United States Border Patrol Station, 940 FM511, Olmito, Texas.



**ATTACHMENT B**

**ITEMS TO BE SEIZED**

1. Any and all items used in alien smuggling activities such as immigration documents, birth certificates rosters, photos, money wire transactions receipts, money order receipts, records, notes, ledgers, bank records, papers/documents relating to alien smuggling, foreign recruitment, address books, papers reflecting names, addresses, telephone numbers and/or records relating to individuals associated with alien smuggling, and any evidence which may have been kept from smuggled aliens who were being transported, harbored, concealed and or shielded from ICE HSI which constitutes evidence of the commission of the criminal offense for alien smuggling violations.

2. Any and all correspondence, in whatever form, pertaining to the possession, receipt or distribution of smuggled aliens, respondents and associates, including but not limited to rosters, photos, money wire transmissions and receipts, records, computers and other electronic storage media, notes, ledgers, bank records, papers/documents relating to alien smuggling, foreign recruitment, telephone and address books, papers reflecting names, addresses, telephone numbers and/or records relating to individuals associated with alien smuggling.

3. Any and all records evidencing ownership of the target vehicle known and described in attachment A, including, but not limited to the vehicle ownership information and insurance documents.

4. Any and all physical evidence left behind in the vehicle including but not limited to fingerprints of human smuggler facilitators.

5. Any and all electronic devices including but not limited to phones, pagers, ipads, and computers.

6. Any and all compasses and navigational devices that are to facilitate alien smuggling.